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RUEHZL/EUROPEAN POLITICAL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 ZAGREB 001423

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TAGS: [PREL](#) [PGOV](#) [BK](#) [HR](#) [REGIONAL](#) [ISSUES](#)
SUBJECT: GOC PRESENTS BOSNIAN CROAT PROPOSAL FOR BIH
CONSTITUTIONAL REFORM

REF: ZAGREB 1392

Classified By: Political Officer Tom Selinger for reasons 1.4 (b) & (d)

¶1. (SBU) SUMMARY AND COMMENT: MFA State Secretary Hidajet Biscevic briefed Charge d'Affaires November 30 on a two-option proposal from Bosnian Croat leaders for modifications that would enable them to support the BiH constitutional reform plan. Charge cautioned against calls to reopen the reform package, warning that the entire process could collapse. Biscevic emphasized that the GoC could only push for a solution that was endorsed by the Bosnian Croat community. He argued in favor of an option that would preserve entity voting but make the Constitutional Court responsible for protecting constituent peoples' vital interests.

¶2. (C) With tightly contested parliamentary elections expected in Croatia in November 2007 -- elections in which Bosnian Croats are allowed to vote -- it appears the GoC will remain unwilling to press Bosnian Croats to accept the original reform package (reftel). END SUMMARY AND COMMENT.

TWO OPTIONS BISCEVIC SAYS BOSNIAN CROATS CAN ACCEPT

¶3. (SBU) According to Biscevic, all Bosnian Croat parliamentary deputies, with the exception of convicted HDZ BiH leader Dragan Covic, met recently and agreed on two options they would consider acceptable. The first, which Bosnian Croats would prefer but Biscevic acknowledged is probably too radical for the moment, is to abolish the entity voting system. Under this proposal, the protection of vital national interests would be placed in the House of Peoples. If two-thirds of the deputies of any one constituent people voted against a given proposal, it would be rejected. According to Biscevic, the House of Representatives would serve to represent all citizens in this system while the House of Peoples would protect each group's vital interests.

¶4. (SBU) The second and more realistic proposal in Biscevic's view would preserve entity voting, but refer matters of vital national interest to the Constitutional Court. If the majority of deputies of a given people object to a proposal, it would be referred to the Constitutional Court to determine by majority vote if it actually violates the essential interests of that group. The majority in the court must include the two judges from the group in question for the matter to be rejected. Biscevic stressed that this would only be invoked in matters like linguistics and culture that are truly vital interests, and would not disrupt the political process in routine matters. He was told by Bosnian Croat leaders that this option was acceptable to RS PM

Milorad Dodik. He did not have information on Bosniak views.

INTERNATIONALS SHOULD BE CLEAR THAT REFORMS NOT OVER

15. (SBU) Biscevic noted that in addition to either one of these options, the Bosnian Croat community would look for clear signals from the international community that this reform package was not the end of the process. The entity system, he said, must eventually be addressed, because the future of BiH is currently in the hands of Belgrade politicians, who dictate the behavior of RS. A country cannot be hostage to the politics of another country, he argued.

16. (SBU) In arguing for modifications to the constitutional reform package, Biscevic also referred to a Council of Europe report from June 06 that recommends a complete re-write of the BiH constitution as the best solution. He acknowledged that a completely new constitution would take years that we don't have, but that Bosnian Croats are not currently protected as a constituent people under the entity voting system. They have almost no presence in RS and are a minority in the Federation, so they are disadvantaged in comparison to Serbs and Bosniaks. He noted that 80 percent of Bosnian Croat deputies in the state parliament voted against the constitutional reform package in April, compared with the 42 percent of Bosniak deputies and the 8 percent of Serb deputies who voted against, implying that these figures showed who benefited in the current package. &We need to find a way forward for everyone,8 he said.

ENDORSEMENT OF BOSNIAN CROATS IS GoC PREREQUISITE

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17. (SBU) Biscevic made it clear that the GoC is looking to Bosnian Croat leaders for guidance on this issue and will only actively lobby for a package that is acceptable to the Bosnian Croat community. &How can PM Sanader play a big regional leadership role if he can't help the Croats in BiH?8 Biscevic asked rhetorically.

18. (SBU) Charge advised Biscevic of USG views that re-opening the reform package will upset delicate compromises that took months to reach, invite other groups to seek additional concessions, and potentially bring down the entire reform effort.
DELAWIE